

### REMARKS

Reconsideration of this application is respectfully requested. Claim 1 has been amended; and claims 2, 6 and 12 have been previously canceled. As such, claims 1, 3-5, 7-11, and 13-19 are in this application and are presented for the Examiner's consideration in view of the following comments.

With regard to the claim amendments, claim 1 has been amended to remove a typographical error. Applicants respectfully request entry of the amendment to place the claims in better condition for appeal.

Claims 1, 7, 8, 11 and 16 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,304,609 issued October 16, 2001 to Stephens et al. (*Stephens*). Applicants still respectfully disagree.

Applicants incorporate by reference Applicants' arguments in Applicants' response filed on 30<sup>th</sup> August 2010. In addition, Applicants offer the following additional arguments.

With regard to the Examiner's arguments that "the specific definition of staggercasting found in the arguments is not found in the claim", Applicants respectfully disagree. For example, consider Applicants' claim 1, which requires:

encoding a first signal representing content; and  
encoding a second signal representing the content.

Thus, Applicants' claim 1 clearly requires encoding two signals representing the same content. Second, Applicants' claim 1 also requires:

specifying a time delay period; wherein the time delay period is used as a delayed transmission time of the first encoded signal with respect to the second encoded signal;  
generating a composite signal comprising the first and second encoded signals, wherein the first encoded signal is delayed with respect to the second encoded signal by the time delay period; and

Thus, Applicants' claim 1 does, in fact, describe staggercasting as represented by Applicants' arguments in Applicants' response filed on 30<sup>th</sup> August 2010. As noted in Applicants' earlier response, Stephens simply describes interleaving data bits within the same signal – this is not delaying a first encoded signal with respect to a second encoded signal as claimed by Applicants.

Indeed, and as already noted in Applicants' previous response, in FIG. 7 of *Stephens* the transmission time of the high quality audio signal is not delayed with respect to the transmission time of the reduced quality audio signal. Each signal is separately interleaved in FIG. 7 of *Stephens* and, in fact, arrives at the same time at the receiver, where each signal is then separately deinterleaved. (*Stephens*, FIG. 7, 32A, 32B, 40A, 40B.) As described in *Stephens*, a weighted interleaver redistributes the data bits within the signal itself. This is clearly shown in FIG. 5 of *Stephens* where the data bits of the input signal itself are randomly distributed by element 112. (*Stephens*, col. 12, lns. 6-8.) However, *Stephens* does not show that a time delay period is used as a delayed transmission time of the first encoded signal with respect to the second encoded signal as required by Applicants' claim 1.

Similar comments apply to Applicants' remaining independent claim 11.

In view of the above, Applicants' independent claims 1 and 11 are not anticipated by *Stephens*. As such, dependent claims 7, 8 and 16 are also in condition for allowance.

Claims 3-5, 9-10, 13-15 and 17-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Stephens* in view of U.S. Patent Publication 2002/0047902 published April 25, 2002 to Thomas et al. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 11.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted  
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By \_\_\_\_\_

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